

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ACCIDENT INSURANCE COMPANY,  
INC,

Plaintiff,

v.

Case No.: 2:20-cv-613-FtM-38MRM

V&A DRYWALL AND STUCCO,  
INC., PLATINUM SERVICE  
CONTRACTING, LLC, LENNAR  
HOMES, LLC, MICHAEL J.  
MCCAULEY, KATHLEEN A.  
MCCAULEY and FRANK WINSTON  
CRUM INSURANCE COMPANY,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is a *sua sponte* review of the file. On August 21, 2020, the Court dismissed without prejudice Plaintiff Accident Insurance Company, Inc. (“AIC”)’s Complaint for Declaratory Relief. ([Doc. 3](#)). The Court warned AIC that “if [it] does not file an amended complaint by [September 4, 2020], the Court will close this case without further notice.” ([Doc. 3](#)). On September 9, 2020, Magistrate Judge McCoy granted AIC an extension until September 14, 2020, to file an amended complaint. (Doc. 6). AIC has missed that deadline. By failing to comply with the Court’s orders, AIC shows a lack of interest in prosecuting this case. The Court thus dismisses this case without prejudice

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order.

for failure to prosecute and comply with Court orders. See *Foudy v. Indian River Cty. Sheriff's Office*, 845 F.3d 1117, 1126 (11th Cir. 2017).

Accordingly, it is now

**ORDERED:**

- (1) This case is **DISMISSED without prejudice**.
- (2) The Clerk is **DIRECTED** to enter judgment, terminate any pending deadlines, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 17th day of September 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record